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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/857,600	09/10/2001	Ludo Adriaensen	016782-0230	6512
22428	7590	10/07/2003		
FOLEY AND LARDNER				
SUITE 500				
3000 K STREET NW				
WASHINGTON, DC 20007				
EXAMINER				
GRAY, JILL M				
ART UNIT		PAPER NUMBER		
1774				

DATE MAILED: 10/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

ASB

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	09/857,600		ADRIAENSEN ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Jill M. Gray		1774	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 July 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 13-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 13-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
     If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \*    c) ☐ None of:  
         1. ☐ Certified copies of the priority documents have been received.  
         2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
     \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
     a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other:  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 13-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takazawa et al, 4,774,105 (Takazawa) in view of Kotera et al, 4,340,519 (Kotera) and Creps 4,358,887, for reasons of record.

### ***Response to Arguments***

Applicant's arguments filed July 14, 2003 have been fully considered but they are not persuasive.

Applicants' argue that Takazawa is completely silent in regard to a polyester layer immediately on a bright looking surface and that Creps does not disclose the just claimed structure but teaches away from it.

In this regard, it is noted that Takazawa teaches the same structure contemplated by applicants in claim 13, namely, a steel core covered with an intermediate coating layer, and having immediately upon said intermediate coating, a polymer, said polymer being an polyester. See column 2, lines 15-27. Creps is relied upon for all that he would have reasonably imparted to one of ordinary skill in the art, namely, a steel core that is covered with an intermediate layer and immediately thereupon with a polyester polymer, that the intermediate layer can be zinc and applied

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by the hot-dip method, and wet drawing. Thus, it would appear that the teachings of Creps would have provided clear direction to the skilled artisan for the production of steel wires of the type contemplated by applicants.

Applicants argue that claim 13 has been amended to recite that the covered steel core is drawn to obtain a bright looking surface and that Creps and Kotera are silent in regard to drawing.

In this concern, it is the examiner's position that this limitation is a process limitation whereas claim 13 is drawn to a product, and patentability is based upon the product itself, not the process of making. Moreover, Creps teaches wet drawing, again, providing clear direction to the skilled artisan.

Therefore, the examiner's position remains that when considered as a whole, the combined teachings of Takazawa, Kotera and Creps would have rendered obvious the invention as claimed in the present claims.

No claims are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jill M. Gray whose telephone number is 703.308.2381. The examiner can normally be reached on M-F 10:30-7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cynthia Kelly can be reached on 703.308.0449. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.308.0651.



Jill M. Gray  
Examiner  
Art Unit 1774

jmg